

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

ref:OCCL:MC

File No: Loko I'a: LA-17-01

Kehau Watson
Honua Consulting
4348 Wai'alaie Ave #254
Honolulu, HI 96816

Dear Ms. Watson,

SUBJECT: LOKO I'A PERMIT LA-17-01: WAIA'OPAE FISHPOND
Pālāwai Ahupua'a, Lāhaina District, Lāna'i
TMK (2) 4-9-003:000 (submerged lands)

Dear Ms. Watson,

The Office of Conservation and Coastal Lands (OCCL) has reviewed the information you sent regarding Lāna'i Culture & Heritage Center's proposal to conduct the second phase of the restoration plan at Waia'ōpae Fishpond on the above subject parcel. The state-owned pond is in the Resource Subzone of the Conservation District, while the areas mauka of the pond lie outside the Conservation District.

Waia'ōpae lies on the east shore of Lāna'i, in the ahupua'a of Pālāwai. The 5897-acre ahupua'a once contained three known fishponds (Ka'a Loko, Kahōkeo and Waia'ōpae), kula (dry land) agricultural field systems, forest resources, and numerous fresh water springs and intermittent streams. In the near shore sections of Pālāwai, potable water sources were developed, and villages were established all along the coast. The coastal fisheries were used by local residents as well as residents of Lahaina and eastern Moloka'i.

The infrastructure of Waia'ōpae Fishpond is in fairly good condition. The wall has fallen into disrepair, but the base is intact and the stones are within the general area of the wall. The pond has been degraded by severe sediment build up in the pond over several decades. Additionally, there is limited fresh water input into the pond, whereas there may have been greater fresh water input into the pond historically from stream flow or springs. As a result, there is limited marine life seen in the pond currently

The restoration of Waia'ōpae loko i'a (traditional fishpond system) is part of a Native Hawaiian Education Program led by the Lāna'i Culture & Heritage Center, a 501(c)(3) organization, in partnership with the land owner, Pūlama Lāna'i.

Lāna'i Culture & Heritage Center currently holds a tier one permit for the manual repair of the fishpond walls, permit no. LA-15-03. Work is under way, and the community organization now wishes to begin working on removing the sediment from the pond floor in order to improve oxygenation.

The proposal involves using a small trash pump to remove the sedimentation that has accumulated in the pond, similar to devices that are being used successfully in other ponds. Some natural flushing of the pond has occurred as a result of the work being done, and the community has noticed that pua (fingerlings) and small 'ōpae have returned to the areas near the shores and the restored pond walls. The pumping will be focused on areas where the sediment build-up is the most, where the oxygen levels are lowest, and where little to no marine life has returned.

The work will be conducted by volunteers supervised by experienced practitioners. In addition to the existing best management practices, the following practices will be followed:

1. Sediment removed from the pond will be pumped into sediment collection (dewatering) bags in order to protect resources in the area adjacent to the pond. These collection bags will be removed from the immediate shoreline area to a distance that will prevent any entry back into the pond or the ocean, specifically such that activities would not result in the discharge of fill material into a water of the U.S., as regulated under Section 404 of the Clean Water Act (Section 404).
2. Observational monitoring will take place by trained cultural monitors and in concert with trained environmental wildlife professionals during the pond work in order to protect any cultural or environmental resources that may exist in the areas surrounding the pond.
3. All workers and volunteers are provided orientations prior to being able to work on the project.
4. Only trained professional staff and sufficiently trained volunteers will be able to handle the pump and dredged material.

OCCL distributed the application to the following agencies for comment: DLNR's Division of Aquatic Resources, Division of Forestry and Wildlife, Land Division, and Historic Preservation Division; the State Department of Health Environmental Planning Office and Maui District Health Office; County of Maui Department of Planning; the Office of Hawaiian Affairs; the U.S. Army Corps of Engineers; NOAA Fisheries Pacific Islands Regional Office; and Kua'āina Ulu 'Aumo.

The following comments were received:

DLNR Division of Forestry and Wildlife (DOFAW)

DOFAW appreciates the value of the project to the community. The Division notes that indigenous bird species have used the site, and recommends that a qualified biologist be consulted to document any species present and ensure that take of protected species is avoided. The Division also asks for clarification on what measures will be taken to prevent negative impacts to invertebrates. DOFAW will be happy to provide technical assistance with any biological issues upon request.

Applicant's response

Staff will work with trained environmental professionals to ensure that work does not result in the take of protected bird species. The applicant notes that volunteers have observed 'ōpae and small fish returning to the pond. However, the 'ōpae congregate near the rock walls, and the fingerlings in the nearshore and deeper areas. Marine life has not been observed returning to the areas that are targeted for sediment removal.

Department of Health Environmental Planning Office

The Office provided the applicant with a number of land use maps of Lana'i that show water quality standards, air quality monitoring sites, cesspool tax credit areas, and recycled water use data.

Applicant's response

The applicant thanks the Environmental Planning Office for the additional data.

Department of Health Maui District Health Office

The Office referred the applicant to Hawai'i Administrative Rules (HAR) Chapter 11-46, "Community Noise Control," and noted that a noise permit may be required before the commencement of work.

Applicant's response

The applicant notes that the project area is approximately five miles from the nearest residential area, and after reviewing Chapter 11-46 concludes that the need for a noise permit is not triggered for this project.

County of Maui Department of Planning

Based upon the information provided the Department concludes that the project is in compliance with the Special Management Area (SMA) Rules for the Lana'i Planning Commission, Chapter 402. The County notes that the Shoreline Rules for the Lana'i Planning Commission, Chapter 403 §12-403-17, provide that cleared sand shall be placed on adjacent areas unless such placement would result in significant turbidity.

Applicant's response

The pumped sediment will be placed adjacent to but outside the immediate shoreline, to minimize the chance of runoff reentering marine waters.

OCCL has reviewed the project against the standard best management practices developed in the

Ho'āla Loko I'a program and discussed in the Ho'āla Loko I'a permit application guidebook:

Water Quality Monitoring

The rebuilt walls of the pond are as suitable containment device for preventing runoff into the wider marine environment. The dredged material will be placed in dewatering bags and then placed far enough from the shoreline to minimize runoff. Project workers will use visual monitoring, and should stop work if it appears that a sediment plume is spreading over the nearby reef.

Endangered Species Monitoring

Trained environmental professionals will be on site to assist volunteers and staff should any endangered species be present in the work area. OCCL asks that the permittee report any interactions with endangered waterbirds, monk seals, or turtles.

Cultural Monitoring

Trained cultural monitors will be on site during work periods to ensure that the work is carried out in a cultural appropriate manner.

Archaeological Monitoring

Students and workers will attend orientations about the historical and cultural significance of the pond and area. If any cultural artifacts or human remains are un-covered then work will stop and the project leaders will contact the State Historical Preservation Division and await instructions on how to proceed.

Pollution and Erosion Control

The permittee should conduct daily inspections of all machinery and heavy equipment for cleanliness and any leaks. Work will be postponed or halted until leaks are repaired and equipment clean. IN addition, any fueling of the machinery should occur at least 50 feet from the shoreline.

After reviewing the application, the Department finds that

1. The proposal to use a trash pump to remove accumulated sediment at Waia'ōpae is consistent with Conservation District Use Permit (CDUP) ST-3703 for the Ho'āla Loko I'a program, as approved by the Board of Land and Natural Resources on June 27, 2014;
2. That the activities described were covered in the Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) for the Ho'āla Loko I'a program, which was published on October 23, 2013;
3. That the proposal requires the need for a Tier 2 Loko I'a permit signed by OCCL;

4. That the standard conditions found in Hawai'i Administrative Rules (HAR) §13-5-42 apply.

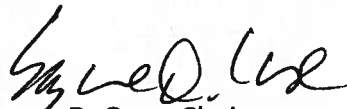
After careful review of the proposed project, the Department authorizes a Tier 2 Loko I'a permit for the removal of sediment at Waia'ōpae Fishpond in the ahupua'a of Pālāwai on Lāna'i, offshore of TMK (2) 4-9-003:000, subject to the following standard conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
4. The permittee shall comply with all applicable department of health administrative rules;
5. All representations relative to mitigation set forth in the application are incorporated as conditions of the permit;
6. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
7. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
8. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
9. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law;
10. Should historic remains such as artifacts, burials or concentration of charcoal be encountered, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;

11. The permittee will continue to follow the Best Management Practices contained in loko i'a permit LA-15-03, as well as the additional Best Management Practices as described in the current application;
12. Other terms and conditions as prescribed by the chairperson;
13. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty days. Should you have any questions feel free to contact Michael Cain at 587-0048.

Sincerely,



Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Receipt acknowledged:

Permittee's Signature

Date

copy: DLNR Land Division, SHPD; Maui County Planning; Pūlama Lāna'i

Cain, Michael

From: Fretz, Scott
Sent: Monday, August 15, 2016 10:10 AM
To: Cain, Michael
Cc: Medeiros, John S; Duvall, Fern P
Subject: LA-07-01 comments

Aloha Michael,

Re: CDUA, Waiopae fishpond, Lanai, LA-07-01

The Division of Forestry and Wildlife appreciates the value of the proposed project to the community and provides the following comments:

We are aware that indigenous bird species have used this site. We recommend that a qualified biologist be consulted to document any species present and ensure that take (as defined in HRSs 195D and 183D) of protected species is avoided, both during construction and into the future as the area is visited by people. We are also not clear what species of invertebrates (e.g. opae) are present that may be disturbed by the pumping and recommend that the applicant clarify any measures to be taken to avoid negative impacts to indigenous species of invertebrates. The Division of Forestry and Wildlife would be happy to provide technical assistance with any of the biological issues upon request. Please contact me for any requests or if there any questions.

Scott

Scott Fretz
Maui District Manager
Hawaii Department of Land and Natural Resources
Division of Forestry and Wildlife
1955 Main Street, Room 301
Wailuku, Hawaii 96793
Phone (808) 984-8107
Cell (808) 227-3403
FAX (808) 984-8114
email: Scott.Fretz@hawaii.gov

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

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AND COASTAL LANDS

2016 AUG - 8 A 10: 28

In reply, please refer to:
File:

EPO 16-259

August 2, 2016

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

MEMORANDUM

TO: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

FROM: Laura McIntyre, AICP, Planner VI
Environmental Planning Office 

SUBJECT: La Loko o Kiholo Fishpond Restoration
Palawai Ahupuaa, Lahaina District, Lanai
TMK: (2) 4-9-003:000 (submerged lands)

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of information regarding the Request for Comments to our office on July 20, 2016.

EPO has prepared various informative attachments. We hope these are helpful.

Additional environmental health related land use information is available at: <http://health.hawaii.gov/epo/landuse> and <http://health.hawaii.gov/epo/egis>

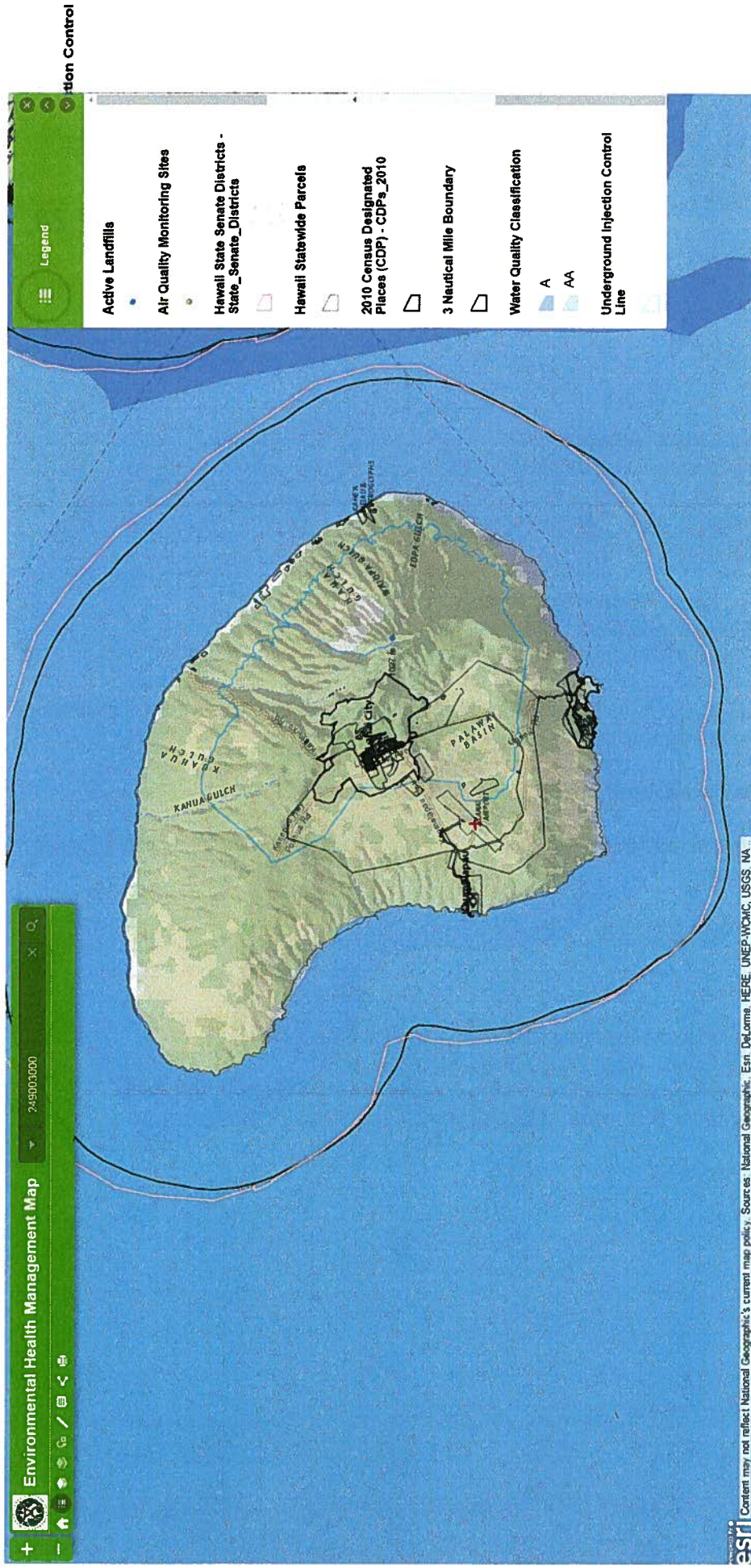
Thank you for the opportunity to comment.

LM:nn

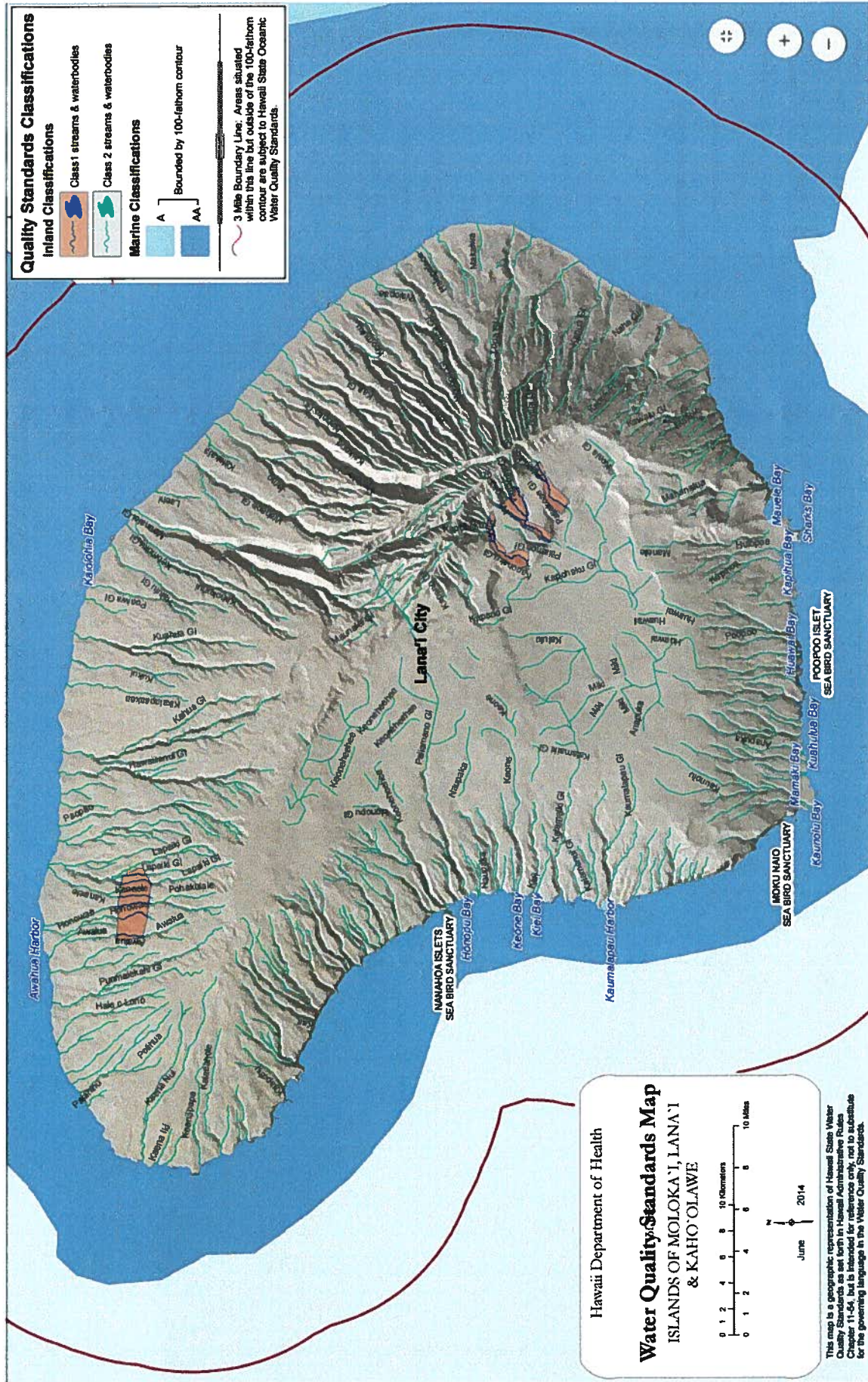
Attachment 1: Environmental Health Management Web App Snipit of Project Area
Attachment 2: Clean Water Branch: Water Quality Standards Map - Lanai
Attachment 3: Wastewater Branch: Act 120 Cesspool Tax Credit Web App Snipit of Project Area
Attachment 4: Wastewater Branch: Recycled Water Use Map of Project Area

c: DHO Maui, CWB (via email only)

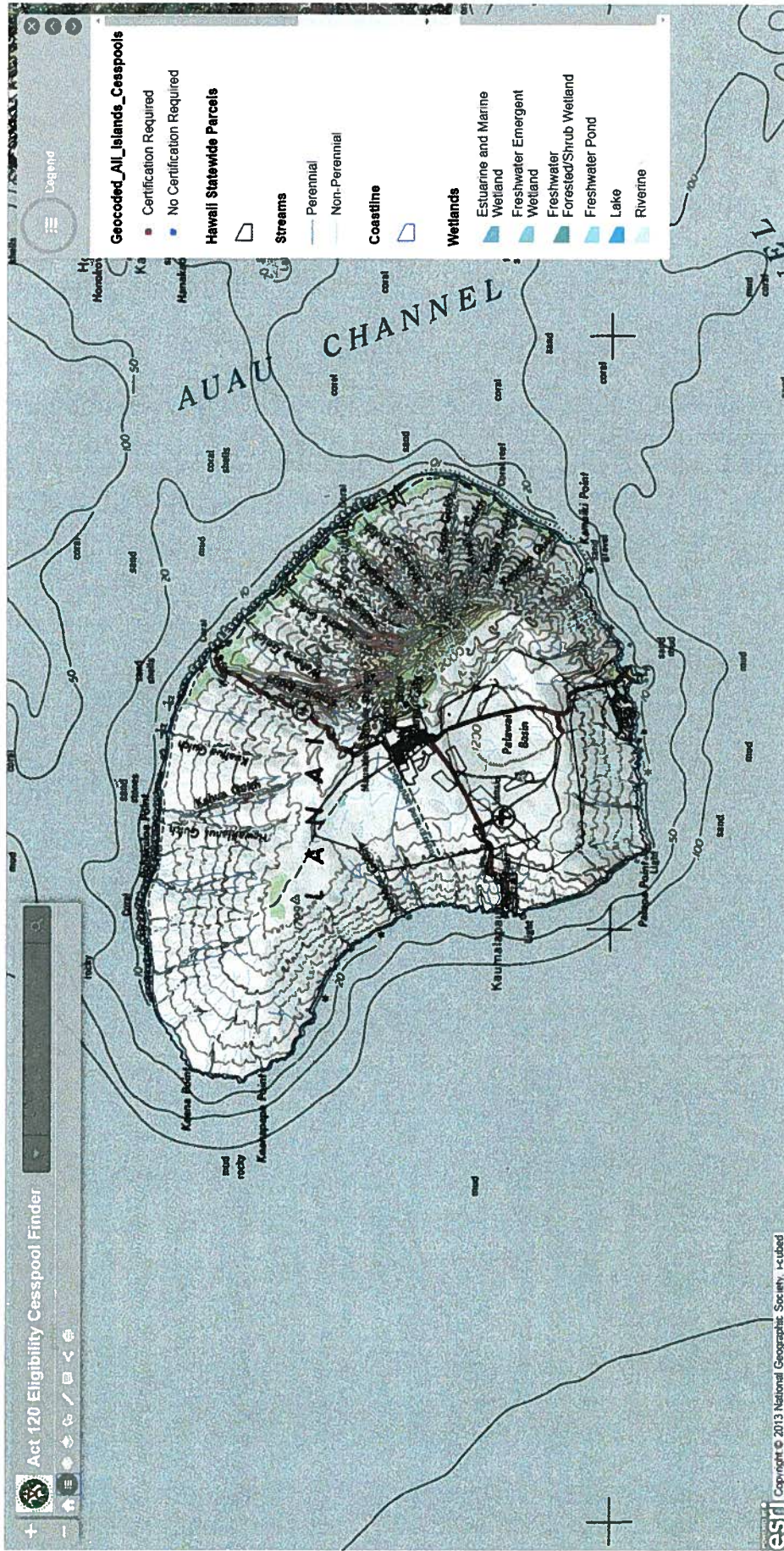
Attachment 1: Environmental Health Management Web App Screenshot of Project Area



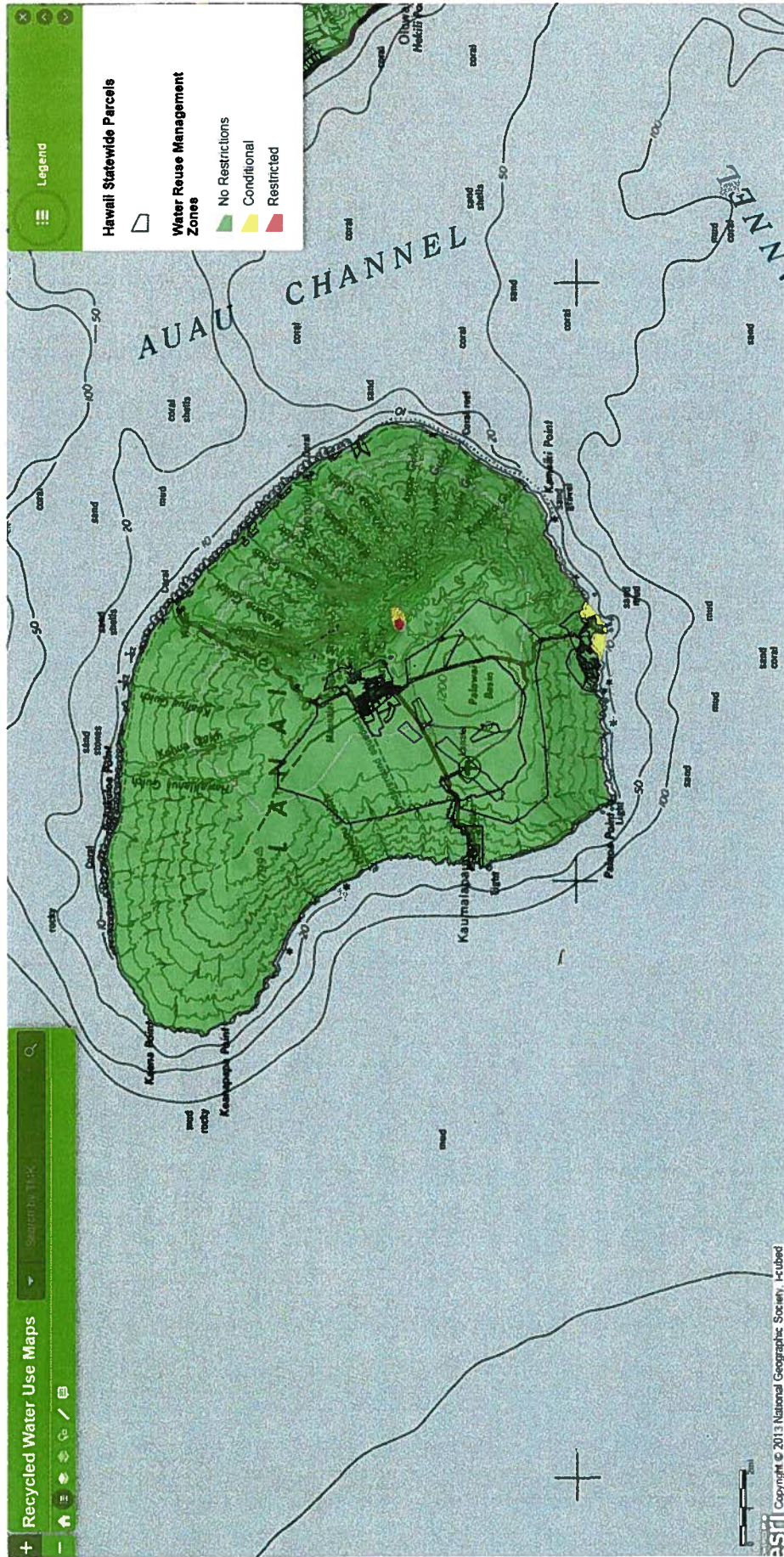
Attachment 2: Clean Water Branch: Water Quality Standards Map - Lanai



Attachment 3: Wastewater Branch: Act 120 Cesspool Tax Credit Web App Snipit of Project Area



Attachment 4: Wastewater Branch: Recycled Water Use Map of Project Area



DAVID Y. IGE
GOVERNOR OF HAWAII

(1)



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793-3378

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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

August 1, 2016

Mr. Michael Cain
Department of Land & Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Cain:

Subject: La Loko o Kiholo Fishpond Restoration
TMK: (2) 4-9-003:000

Thank you for the opportunity to review this project. We have the following comments to offer:

The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor & Radiological Health Branch at 808 586-4700.

It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please contact me at patricia.kitkowski@doh.hawaii.gov or 808 984-8230.

Sincerely,

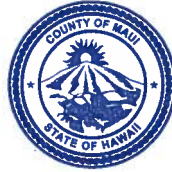
Patti Kitkowski
District Environmental Health Program Chief

c EPO

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI

DEPARTMENT OF PLANNING

August 31, 2016

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AND COASTAL LANDS

2016 SEP -2 A 8 29

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Mr. Michael Cain
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P. O. Box 621
Honolulu, HI 96809

Dear Mr. Cain:

SUBJECT: REQUEST FOR COMMENTS FOR PROPOSED LA LOKO O KIHOLO FISHPOND RESTORATION LOCATED ON THE ISLAND OF LANA'I, HAWAII; TMK: (2) 4-9-003:000 (SUBMERGED LANDS) (RFC 2016/0130)

The Department of Planning (Department) is in receipt of request for comments regarding La Loko O Kiholo Fishpond Restoration. In response to your letter received on July 19, 2016, the project should be in accordance with the Special Management Area (SMA) Rules for the Lana'i Planning Commission (Commission), Chapter 402.

Furthermore, in accordance with the Shoreline Rules for the Lana'i Planning Commission, Chapter 403, Section 12-403-17:

Prohibited activities within the shoreline area. The mining or taking of sand, dead coral or coral rubble, rocks, soil, or other beach or marine deposits for the shoreline area is prohibited with the following exceptions. The clearing of these materials from existing drainage pipes and canals and from the mouths of streams including clearing for the purposes under Section 46-11.5, HRS; provided that, the sand removed shall be placed on adjacent areas unless such placement would result in significant turbidity.

The Department also recommends that full compliance with all other applicable governmental requirements shall be rendered.

Mr. Michael Cain
August 31, 2016
Page 2

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Sybil K. Lopez at sybil.lopez@mauicounty.gov or at (808) 270-5529.

Sincerely,



 SYBIL K. LOPEZ
STAFF PLANNER

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, , Planning Program Administrator (PDF)
Sybil K. Lopez, Staff Planner (PDF)
Project File
General file

WRS:CIY:SKL:ela

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HO'ALA LOKO I'A APPLICATION

FISHPOND NAME: **Waia'ōpae Fishpond**

APPLICANT NAME: **Lāna'i Culture & Heritage Center**

Pond location: Pālāwai Ahupua'a, Keōmoku Road, Lāna'i

Nearest Tax Map Key(s): 4-9-03 por

Ahupua`a: Pālāwai

District: Lāhaina

Island: Lāna'i

Commencement Date: August 1, 2016

Completion Date: June 2018

Wall length: Approximately 2,000

Pond surface area: Approximately 1.5 acres

WORK SUMMARY

- Operations only
- Construction of accessory structures
- Minor repair and restoration of pond walls, 'auwai, mākāhā, etc.
- Moderate repair and restoration (10% to 50% damage)
- Major repair and restoration (greater than 50% damage)

Linear feet of wall to be repaired (rocks on site):

Linear feet of wall to be restored (new rock):

Source of new rock:

Amount of "fill" (expansion beyond original footprint):

- Dredging using mechanized equipment
 - Estimated volume of dredging: 750 cubic yards (est.)
 - Vegetation removal using mechanized equipment
 - Estimated acreage:
 - Emergency repair
-

REQUIRED SIGNATURES

Applicant

Name / Hui: Lānaʻi Culture & Heritage Center

Street Address: 730 Lānaʻi Ave #126

Lānaʻi City, Hawaiʻi 96763

Contact Person & Title: Kepā Maly, Executive Director

Phone: (808) 565-7177

Email: kepa@lanaichc.org

Interest in Property: Program Manager

Signature: 

Date: June 17, 2016

Signed by an authorized officer if for a Corporation, Partnership, Agency or Organization

Landowner (if different than the applicant)

Name: State

Title; Agency: DLNR

Mailing Address:

Phone:

Email:

Signature:

Date:

For State-owned ponds, the government entity with management control over the parcel shall sign as landowner.

Agent

Agency: Honua Consulting

Contact Person & Title: Kehau Watson

Mailing Address: 4348 Waiʻālae Ave #254

Honolulu, HI 96816

Phone: (808) 347-2637

Email: watson@honuaconsulting.com

Signature: 

Date: June 17, 2016

For DLNR Managed Lands

State of Hawaiʻi

Chairperson, Board of Land and Natural Resources

Department of Land and Natural Resources

P.O. Box 621

Honolulu, Hawaii 96809-0621

Signature:

Date:

DESCRIPTION OF THE LOKO I‘A

Please discuss the current physical and environmental conditions of the loko i‘a. Please also note if any endangered or threatened species are found in the pond.

Due to Lāna‘i’s remote nature, Waia‘ōpae Fishpond is in fairly good condition. The wall has fallen into disrepair, but the base is in tact and the stones are within the general area of the wall. The pond has been degraded by severe sediment build up in the pond over several decades. Additionally, there is limited fresh water input into the pond, whereas there may have been greater fresh water input into the pond historically from stream flow or springs. As a result, there is limited marine life seen in the pond currently, although this will hopefully change with restoration.

HISTORY OF THE LOKO I‘A

The Waia‘ōpae Fishpond is within the ahupua‘a boundaries of Pālāwai. Pālā-wai (literally, Fresh water moss): The ahupua‘a of Pālāwai is one of four ahupua‘a on Lāna‘i that spans both the kona (leeward) and ko‘olau (windward) sides of the island. It contains 5,897 acres, had dedicated fisheries (including Ka‘a Loko, Kahōkeo and Waia‘ōpae fish ponds), kula (dry land) agricultural field systems, forest resources, and numerous fresh water sources with springs and intermittent streams. In the near shore sections of Pālāwai, potable water sources were developed, and villages were established all along the coast. On the leeward side, Pālāwai is bounded by Keālia Aupuni on the west, and by Kama‘o on the east. At the mountain top, Pālāwai shares the highest peak, Lāna‘i Hale (site of a traditional spring), as a boundary point; and adjoins Kaunolū and Pāwili, from the mountain to the windward coast. The basin region of Pālāwai Ahupua‘a was also the site of the first foreign settlement on Lāna‘i in 1854, in the form of the original Mormon colony in Hawai‘i. During the Māhele, Pālāwai was awarded to Chiefess Kekau‘ōnohi, and later inherited by her husband, Ha‘alelea. The kapu fish was ‘anae (mullet) and the kapu wood was ‘ahakea (Bohea).

For a complete history of the pond, see Application LA-15-03.

PROPOSED WORK PLAN

Please provide a summary of the work that is being proposed under this permit. Please note any use of mechanized equipment.

This is the second phase of restoration plan that began with Tier 1 permit, LA-15-03. Work under that permit is underway, and now the community organization would like to add work to its existing work plan by using a pump to remove sedimentation from the fishpond that continues to severely harm oxygenation of the pond environment and ecosystem services to the loko i‘a.

The pump would be used to remove sediment from within the pond using a trash pump, which works well in sediment-filled ponds. Lāna‘i Culture & Heritage Center currently obtained use of

a trash water pump that would be effective in removing a significant amount of the sedimentation that has accumulated within the pond. We believe this work is critical at this time. As increased work in the pond from the Tier 1 activities has allowed for some sediment to naturally flush from the pond system, pond volunteers have seen pua (fingerlings) and small 'ōpae returning to the pond near the shores and the walls. Therefore, we will be focusing our sediment removal efforts in areas of the pond where sedimentation build up is the worst, oxygen levels are the lowest, and where we have seen little to no marine life. We believe that by removing some of the sediment, we can help to restore the ecosystem of this once vibrant loko i'a.

PROPOSED OPERATIONS PLAN

Please discuss what species you intend to raise in the pond, and your proposed methods of stocking, raising, and harvesting these species.

When we first wrote our Tier 1 application, we had no aspirations other than to restore the pond, but we have seen that by restoring the pond there is the possibility that life can return to this once healthy loko i'a. The goal is to restore the pond to a state where i'a and 'ōpae naturally return to the pond.



CONSISTENCY WITH HO‘ALA LOKO I‘A PROGRAM

Please discuss how this proposal is consistent with Conservation District Use Permit (CDUP) ST-3703 (available online at dlnr.hawaii.gov/special-projects) and which tier-level the project falls under.

Lāna‘i Culture & Heritage Center is seeking a Tier Two authorization in addition to their existing Tier 1 authorization for the added use of a pump to remove sedimentation from the internal of the pond area.

According to CDUP ST-3703, Tier Two activities include dredging using mechanized equipment. A Tier Two authorization is required because of the proposed use of a trash pump.

BEST MANAGEMENT PRACTICES

Please discuss the BMPs that will be followed to protect both the environment and the integrity of the pond (users’ guide forthcoming).

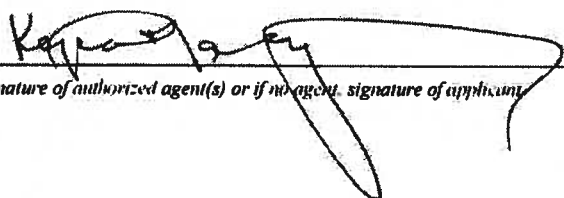
In addition to the standard BMPs set forth in CDUP ST-3703, the additional BMPs will be adhered to through the project:

1. Sediment removed from the pond will be pumped into sediment collection (dewatering) bags in order to protect resources in the area adjacent to the pond. These collection bags will be removed from the immediate shoreline area to a distance that will prevent any entry back into the pond or the ocean, specifically such that activities would not result in the discharge of fill material into a water of the U.S., as regulated under Section 404 of the Clean Water Act (Section 404).
 2. Observational monitoring will take place by trained cultural monitors and in concert with trained environmental wildlife professional during the pond work in order to protect any cultural or environmental resources that may exist in the areas surrounding the pond.
 3. All workers and volunteers are provided orientations prior to being able to work on the project.
 4. Only trained professional staff and sufficiently trained volunteers will be able to handle the pump and dredged material.
-

CERTIFICATION

I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attachments and exhibits is complete and correct. I understand that the failure to provide any requested information or misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, or for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Land Board.

I hereby authorize representatives of the Department of Land and Natural Resources to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 a.m. and 4:30 p.m.



Signature of authorized agent(s) or if no agent, signature of applicant

AUTHORIZATION OF AGENT

I hereby authorize _____ to act as my representative and to bind me in all matters concerning this application.

Signature of applicant(s)